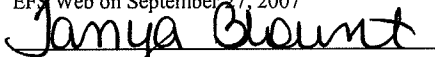


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Dorian Thurston TRUE, et al. )  
Serial No. 10/766,671 ) Examiner: Hawk  
Filing Date: January 28, 2004 ) Art Unit: 3636  
For: Extendable Cover For A Golf Cart ) Docket No.: 42576/282562

**CERTIFICATE OF TRANSMISSION UNDER 37  
CFR 1.8**

I hereby certify that this correspondence is being  
electronically filed with United States Patent Office via  
EFS Web on September 27, 2007

  
Tanya Blount

DATE: September 27, 2007

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

This paper responds to the Office Action mailed June 27, 2007 in the above-identified patent application.

**Amendments to the Specification** begin on page 2 of this document.

**Amendments to the Claims** begin on page 4 of the document.

**Remarks** begin on page 11 of this document.

**Conclusion** is on page 16 of this document.

### AMENDMENTS TO THE SPECIFICATION

Please replace the section titled BRIEF DESCRIPTION OF THE DRAWINGS located on page 6 of the submitted application with the following section:

FIG. 1 is an exploded perspective view of a golf cart cover device in accordance with the present invention, including a preferred stationary main frame member, a preferred movable frame member, a preferred cover and preferred brackets.

FIG. 2 is a side cut-away view showing an embodiment of the invention connected to the support frame and roof of a golf cart.

FIG. 3 is a perspective view showing a bracket.

FIG. 4 is a side view of the stationary main frame member.

FIG. 5 is a perspective view showing the stationary main frame member.

~~FIG. 6 is a rear view of the embodiment shown in FIG. 2.~~

~~FIG. 7 is a side view of the embodiment shown in FIG. 2.~~

Please delete the second paragraph of page 11 of the submitted application and replace with the following paragraph:

Note that the cover **24** can also include Velcro™ (hook and loop) straps (not shown) or other similar types of straps or tie downs to further secure the cover **24** to the cover

retainer strip **46** in a non-operation upright position, the stationary main frame **20**, or to the top portion of the rear support frame **12**. Velcro™ (hook and loop) straps can be connected to the top panel of the cover **24**, and can be wrapped around the cover retainer strip **46**, the stationary main frame **20**, or the top portion of the rear support frame **12** to support the cover **24** in a position relative to the stationary main frame **20**.

Please delete the first full paragraph of page 13 of the submitted application and replace with the following paragraph:

FIG. 4 illustrates a side view of a stationary main frame. From this view, the recess **48** which is machined into the cover retainer strip **46** can more easily be seen. FIG. 5 illustrates a perspective view of a stationary main frame **20**. The stationary main frame **20** has machine drilled holes for mounting the stationary main frame **20** to the brackets **25**. ~~FIG. 6 illustrates a rear view of the embodiment shown in FIG. 2. FIG. 7 illustrates a side view of the embodiment shown in FIG. 2.~~

### AMENDMENTS TO THE CLAIMS

This listing will replace all prior versions and listings of claims in the application:

1. (Currently Amended) An apparatus for covering a portion of a rear compartment of a golf cart, and configured for attachment to a golf cart comprising a front portion, a rear compartment, a support frame and a roof of a golf cart, the apparatus comprising:

a U-shaped stationary frame member;

at least one movable frame member configured for mounting to the stationary frame member, and further configured to pivotably rotate over a portion of the rear compartment of the golf cart; and

a cover configured for mounting to the at least one movable frame member so that when the movable frame member rotates over a portion of the rear compartment of the golf cart, the cover covers a portion of the rear compartment of the golf cart,

wherein the stationary frame member is configured to mount to the golf cart by brackets;

~~and wherein the brackets are~~ configured to attached to the golf cart at the support frame and at the roof;

wherein each bracket is configured to be secured to the golf cart in at least two locations;

and wherein each bracket is configured to be secured to the golf cart at a support frame and at the roof.

2. (Currently Amended) The apparatus of Claim 1, wherein the roof comprises handles and wherein the brackets ~~mount~~ are secured to the roof near the handles.
3. (Previously Presented) The apparatus of Claim 1, wherein the stationary frame member comprises a U-shaped frame with a horizontal portion and two legs extending relatively perpendicular from the ends of the horizontal portion.
4. (Previously Presented) The apparatus of Claim 3, wherein the horizontal portion of the stationary frame member mounts to the brackets.
5. (Previously Presented) The apparatus of Claim 1, wherein the at least one movable frame member comprises a U-shaped frame with a horizontal portion and two legs extending relatively perpendicular from the ends of the horizontal portion.

6. (Previously Presented) The apparatus of Claim 5, wherein at least one leg of at least one movable frame member mounts to a respective leg of the stationary frame member.
7. (Previously Presented) The apparatus of Claim 1, further comprising:
  - a retainer bar strip configured to mount to the stationary frame member, wherein the retainer bar strip includes
    - a channel; and
    - a retainer bar wherein a portion of the retainer bar fits within the channel; and further
    - wherein a portion of the cover fits within the channel when the retainer bar is positioned within the channel.
8. (Previously Presented) The apparatus of Claim 7, wherein the cover is sufficiently flexible to extend from the retainer bar strip and over a portion of the rear compartment of the golf cart when the movable frame member rotates over a portion of the rear compartment of the golf cart.
9. (Previously Presented) The apparatus of Claim 1, further comprising:
  - at least one strap configured to restrain the cover adjacent to the stationary frame member to permit access to the rear compartment of the golf cart.

10. (Withdrawn) A method for covering a rear compartment of a golf cart having a support frame with at least one support member and a roof, the method comprising:

mounting at least one bracket to the support frame of the golf cart and to the roof;

mounting a stationary frame member to the at least one bracket;

mounting at least one movable frame member to the stationary frame member, the movable frame member configured to rotate to cover a portion of the rear compartment of the golf cart; and

mounting a flexible cover to the at least one movable frame member so that when the movable frame member covers a portion of the rear compartment of the golf cart, a portion of the flexible cover covers a portion of the rear compartment of the golf cart.

11. (Currently Amended) An apparatus for mounting to a golf cart comprising a front portion, a rear compartment, with a support frame and a roof, the apparatus comprising:

brackets configured to be attached to the support frame and the roof, wherein each bracket is configured to be secured to the support frame, extend towards the front of the golf cart, and be secured to the roof of the golf cart;

a stationary main frame connected to the brackets, the stationary main frame comprising:

a U-shape frame with

a pair of arm tubes, and

a connecting tube between the arm tubes, wherein the connecting tube is configured to mounts to the rear support frame of the golf cart;

at least one movable frame connected to the stationary main frame, the at least one movable frame comprising:

a U-shape piece with

two arm bars, wherein at least one arm bar connects to the stationary main frame; and

a connecting bar between the two arm bars, wherein the movable frame can rotate over a portion of the rear compartment of the golf cart;

a cover retainer strip connected to the stationary main frame, comprising:

an elongate strip; and

a channel recess extending along a portion of the elongate strip; and



a cover connected to the cover retainer strip, wherein the cover extends from the channel recess and over the movable frame when the movable frame is rotated over a portion of the rear compartment of the golf cart.

12. (Previously Presented) The apparatus of Claim 11, further comprising:

a cover retainer bar configured to slide within the channel recess to support a portion of the cover within the channel recess.

13. (Previously Presented) The apparatus of Claim 11, wherein the roof comprises a section with handles, wherein the brackets connect to the golf cart at an upper portion of a rear support frame and at the roof at the portion near the handles.

14. (Withdrawn) A method for covering a rear compartment of a golf cart having a support frame and a roof, the method comprising:

rotating at least one movable frame member relative to a stationary frame member,  
wherein

the stationary frame member is configured to mount brackets which are configured to mount to the support frame, and

the at least one movable frame member is configured to cover a portion of the rear compartment of the golf cart.

15. (Withdrawn) The method of Claim 14, further comprising:

extending a flexible cover configured for covering a portion of the rear compartment of the golf cart, wherein the flexible cover extends from a portion of the stationary frame member and over a portion of the at least one movable frame member when the at least one movable frame member covers a portion of the rear compartment of the golf cart.

16. (Withdrawn) The method of Claim 14, further comprising

restraining a flexible cover configured for covering a portion of the rear compartment of the golf cart, wherein the flexible cover is held adjacent to the stationary frame member when the at least one movable frame member is rotated towards the stationary frame member.

## **REMARKS**

### **I. Preliminary Remarks**

Claims 1-9 and 11-13 are pending in this application. Claims 10 and 14-16 have been withdrawn from consideration as being drawn to a non-elected invention. This Amendment and Response amends claims 1, 2 and 11.

### **II. Response to Restriction Requirement**

The Examiner has restricted the application into two groups of inventions:

Group I: Claims 1-9 and 11-13, drawn to a canopy assembly, classified in class 135, subclass 88.05; and

Group II: Claims 10 and 14-16, drawn to a method for erecting a canopy on a golf cart, classified in class 135, subclass 905.

In order to be responsive to the Examiner's requirement and to facilitate examination of this application, Applicants confirm their election the invention of Group I, Claims 1-9 and 11-13, drawn to a canopy assembly, with traverse. Applicants make this election with traverse, and without prejudice to the presentation of the claims of Group II in a later application.

### **III. Corrections to the Drawings**

Figures 2, 5, 6 and 7 were objected to as poor depictions of the instant invention because they were black and white photographs. Corrected drawing sheets in compliance with 37 CFR 121(d) are submitted herewith for Figures 2 and 5. The Replacement Sheets

merely depict the same images as line drawings. No new matter has been added. Drawing Figures 6 and 7 are cancelled. No renumbering of figures is required and appropriate changes to the specification are detailed below in Section IV.

#### **IV. Amendments to the Specification**

The disclosure was objected to because the trademark “Velcro” was used in the application without being accompanied by the generic terminology. This amendment and response amends the objected-to paragraph to include inserting “hook and loop” generic terminology after the trademark. No new matter has been added.

Further amendments to the specification have been made to delete references to Figures 6 and 7 which have been cancelled.

#### **V. 35 U.S.C. §112 Rejections**

Claims 1-9 and 111-13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the invention. The Action states that the preambles of Claims 1 and 11 recite the subcombination of an apparatus for covering a portion of a rear compartment of a golf cart, but language in the claim recites the combination of the apparatus and the golf cart. Claims 1 and 11 have been amended to clarify that the subcombination of an apparatus for covering a portion of a rear compartment of a golf car is being claimed.

#### **VI. 35 U.S.C. § 102 Rejections**

**A. Peta**

Claims 1, 3-9 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,227,217 to Peta. In order to further this application towards allowance, Applicants have amended Claims 1 and 11 to specify that the invention comprises a device which is secured to a golf cart by brackets in at least two places including the support frame and the roof. Further, Applicants have amended Claims 1 and 11 to specify that each bracket is configured to be secured to the support frame and to the roof of the golf cart. Claim 11 further specifies that the bracket extends towards the front of the golf cart. As these features are neither taught nor suggested by Peta, Applicants respectfully submit that Claims 1 and 11, and additionally Claims 3-9 which ultimately depend therefore, are allowable.

The canopy 10 of Peta is mounted to a golf cart by an awning track 24 that is secured to the rear edge 22 of the golf cart roof by screws 26 “or similar fasteners.” Col. 2, lines 57-59. J-bars 40, 42 are then attached to the awning track via well nuts 52, 54. The canopy of Peta is secured directly to the rear roof edge, and only the rear roof edge. The connection of Peta, thus, includes inherent instability as it is agitated while the golf cart is moving over rough ground, perhaps, or when the canopy is moved between the covered and uncovered positions. To attempt to overcome this instability, and to provide “structural integrity and rigidity to the frame assembly”, Peta includes a rod 74 which extends between the ends of the

J-bars. Col. 3, lines 55-59. This rod, however, impedes access to the rear compartment of the golf cart where golf clubs are customarily stored and frequently accessed.

In contrast to Peta, the present invention discloses a rear canopy which is structurally stable, but which is completely devoid of material that would impede access to the rear compartment of the golf cart. To accomplish this goal, the canopy of the present invention is secured to the golf cart through the use of brackets which connect in two places- at the rear support frame and the roof. The brackets connect to the rear support frame, wrap around the support frame and extend towards the front of the golf cart where it is secured to the golf cart once again- this time at the roof. The feature of including brackets with two attachment points having a distance between them adds strength and stability to the canopy attachment without sacrificing easy access to the rear compartment of the golf cart.

In conclusion, as Peta does not teach each and every element of claims 1 and 11 as amended, Applicants respectfully submit that these claims, in addition to claims 2-9 and 12-13 which depend therefrom, are in condition for immediate allowance.

## **VII. 35 U.S.C. § 103 Rejections**

### **A. Shugar**

Claims 2 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peta in view of U.S. Publication 2001/0039960 to Shugar. As stated above, Applicants have amended Claims 1 and 11 to specify that the invention comprises a device which is secured

to a golf cart by brackets in at least two places including the support frame and the roof.

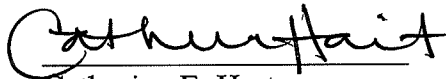
Shugar does not overcome this rejection.

Indeed, any teaching of a mechanism for the attachment of a canopy a cart is absent in Shugar's disclosure. The Action states that "a golf cart modified [as in Shugar to include handles] would necessarily have the brackets mounted to the roof near the handles." Action, p. 8. But this is just not true. Instead, one wishing to attach the canopy of Peta to the cart of Shugar would necessarily use the attachment mechanism disclosed in Peta- screwing the awning track to the rear edge of the cart's roof 12. Neither reference includes any teaching or suggestion of a mounting mechanism would allow the canopy to be secured the cart in multiple places, nor any teaching or suggestion of brackets which mount to the rear support frame of the cart and to the roof near the handles. As this feature is neither taught nor suggested by Peta nor Shugar, alone or in combination, Applicants respectfully submit that Claims 2 and 13 are allowable.

### CONCLUSION

Applicants respectfully submits that claims 1-9 and 11-13 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned at 404.532.6938.

Respectfully submitted,



Catherine E. Hart  
Reg. No. 54,095  
ATTORNEYS FOR APPLICANTS

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
Receptionist (404) 815-6500  
Direct (404) 532-6947  
Fax (404) 541-3259



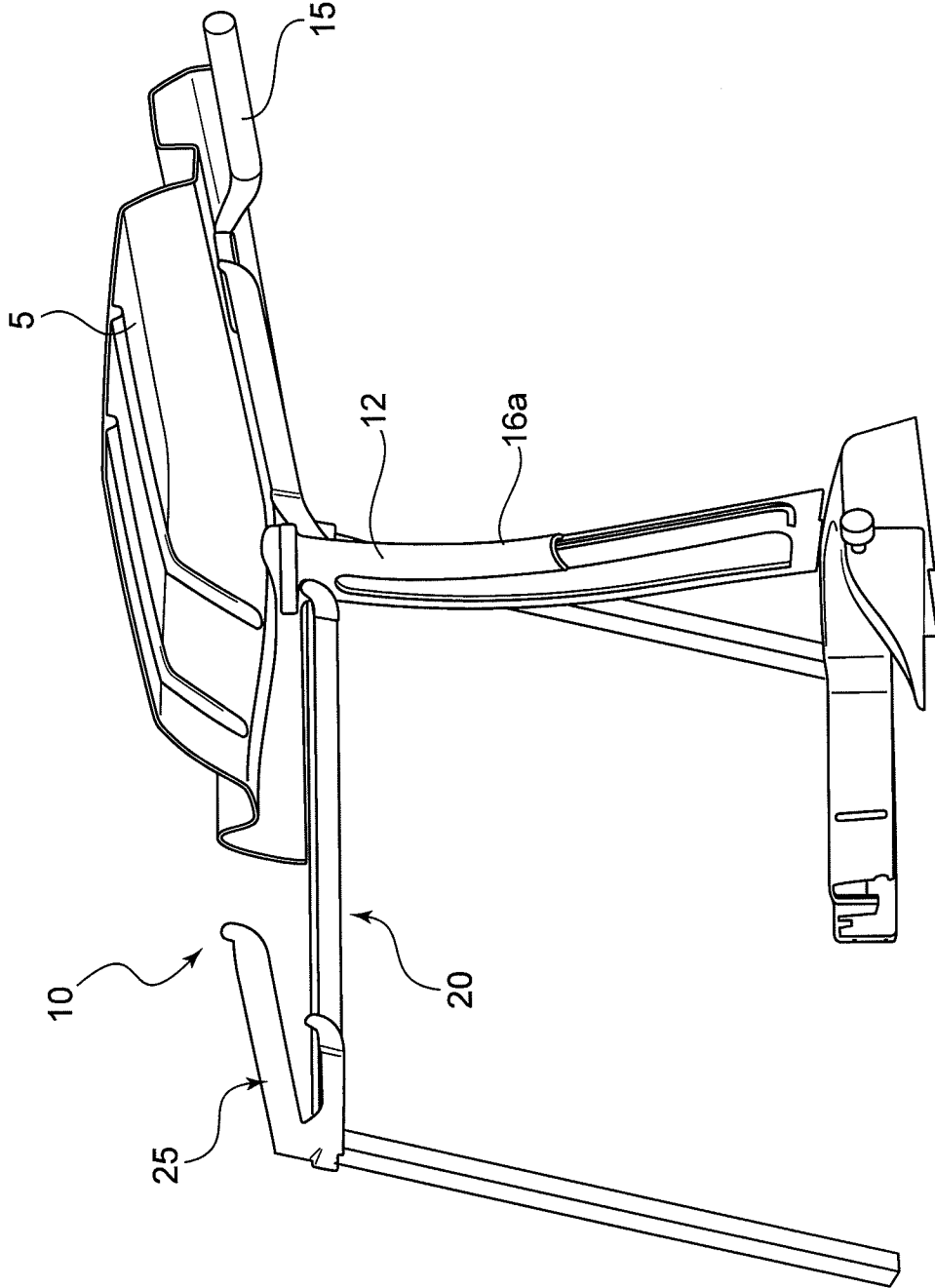


FIG. 2

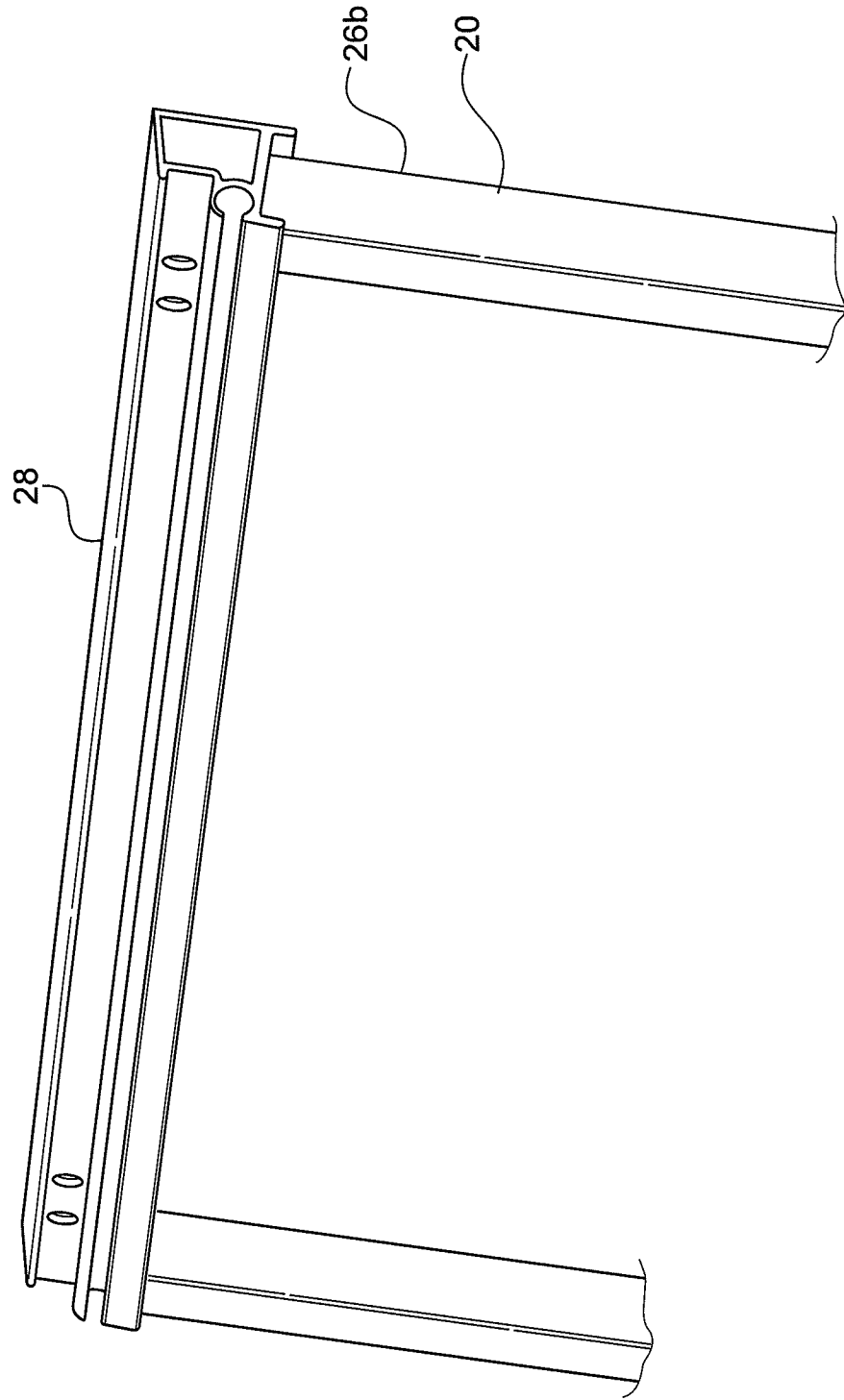


FIG. 5